

June 2005

Dear Mr. Gallagher:

We are writing as members of the Toxic-Free Legacy Coalition, a broad alliance of organizations in Washington state that is working to eliminate persistent toxic chemical pollution and promote safer alternatives, to urge the Department of Ecology to issue a strong rule on the Persistent Bioaccumulative Toxics (PBT) Program. It is critical for Ecology's proposed PBT Rule to ensure that the PBT Program remains a powerful mechanism for protecting public health and the environment by eliminating persistent toxic chemicals in Washington.

When Ecology established the PBT program in 2000, it set a reasonable goal of significantly reducing PBTs in Washington state by the year 2020. Over the past five years, the program has developed chemical action plans on mercury and PBDEs and enjoyed tremendous support throughout the state. Thousands of citizens and many community organizations have participated in public hearings, written letters to Ecology, and lobbied the Legislature on behalf of the program. Local governments, such as the City of Seattle, have adopted policies to purchase PBT-free products based upon work done under the PBT program. The program also has gained national attention as other state and local governments follow Washington's lead and adopt policies to eliminate persistent toxic pollution.

Despite the gains made by the program, it is clear there is still much work to be done in our state. More and more scientific studies are finding that persistent toxic chemicals are ubiquitous in the environment, in our homes, in our workplace, and in our bodies. For example, a March 2005 study found thirty-five hazardous industrial chemicals, including PBTs such as PCBs and PBDEs, in household dust from ten homes in Washington. In addition, several studies have found PBDEs in the breast milk of Washington mothers.

To eliminate these chemicals from our homes and environment, the PBT program must continue to be a strong state plan for eliminating persistent toxic chemicals. The PBT rule is an opportunity to show that Ecology remains committed to the goal of significantly reducing PBTs in Washington state by 2020.

Specifically, the PBT Rule should do all of the following:

Include a broad list of chemicals to be phased out. There is strong support for a PBT Rule that will identify a broad range of chemicals for phase out. All stakeholders, including the public, deserve to know what chemicals are harmful and may be phased out. Also, Washington businesses will be better served by being able to anticipate chemicals of concern, which they may wish to replace with safer substitutes, before regulations are put in place.

Include phthalates on the list. Phthalates, often used as softeners in plastics or in fragrances, must be included on the PBT list. A recent study of persistent toxic

chemicals in household dust found exposure levels for phthalates to be the highest among chemicals tested. Studies have shown that phthalates are toxic to the reproductive system and may be linked to asthma, yet we expose ourselves to phthalates daily through body care products that we apply directly on our skin and on our children. The PBT Rule must address phthalates and other reproductive toxins.

Incorporate the precautionary principle. As with the PBT Program, the precautionary principle must be a guiding principle for the PBT Rule. The precautionary principle is a common-sense approach to decision-making in the face of scientific uncertainty. It emphasizes the need to move to safer alternatives, when there is potential for serious harm to health or the environment. Specifically, Ecology should incorporate this approach and the Wingspread definition of the Precautionary Principle within the PBT Rule.

Establish that the goal of chemical action plans is to eliminate the toxic chemical. Because chemical action plans are only developed for those chemicals where a problem has been identified, it is crucial that the goal of the plans is to eliminate the chemical for the program to be effective.

Finally, the exemption for pesticides and fertilizers from the PBT Rule is shortsighted and undermines the effectiveness of the PBT Program. Ecology should immediately request that the Legislature remove the exemption for these dangerous chemicals so that they can be addressed as part of the PBT program.

Thank you for the opportunity to work with Ecology to create a strong PBT Rule that will protect the health of our children and environment for generations to come.

Sincerely,

Pam Tazioli, Breast Cancer Fund

Matthew Cacho, Healthy Building Network

Heather Trim, People for Puget Sound

Nancy Dickeman, Washington Physicians for Social Responsibility

Robert Pregulman, WashPIRG

Laurie Valeriano, Washington Toxics Coalition

Judy Huntington, Washington State Nurses Association

Barry Lawson, MD, Washington Chapter of the American Academy of Pediatrics

Paul Benz, Lutheran Public Policy Office of Washington State

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Elise Miller, M.Ed., Institute for Children's Environmental Health

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Leslie Ann Rose, Citizens for a Healthy Bay

Tim Coleman, Kettle Range Conservation Group

Bruce Herbert, Newground Social Investment

Mike Petersen, The Lands Council

Wendy Steffensen, The North Sound Baykeeper, a program of RE Sources for Sustainable Communities

Ginny English, Healthy Mothers, Healthy Babies Coalition of Washington

Kim Radtke, Breastfeeding Coalition of Washington

Elizabeth Davis, League of Women Voters

Suellen Mele, Washington Citizens for Resource Conservation

BJ Cummings, Duwamish River Cleanup Coalition

Alice Woldt, The Washington Association of Churches